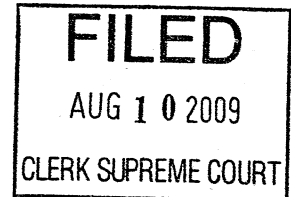


IN THE SUPREME COURT OF IOWA



ORDER

**IN THE MATTER OF THE AMENDMENT TO
IOWA COURT RULES 31.12, 35.1, 39.14,
42.7, 47.3, AND 47.5, THE ADOPTION
OF IOWA COURT RULE 47.6 AND THE
RENUMBERING OF OLD RULES 47.6
THROUGH 47.12**

By action of this court, Iowa Court Rules 31.12, 35.1, 39.14, 42.7, 47.3, and 47.5, are amended as shown in the attached document, effective immediately. In addition, new Iowa Court rule 47.6 is adopted and old rules 47.6 through 47.12 are renumbered as shown in the attached document, effective immediately.

Dated this 10th day of August, 2009.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

CHAPTER 31

ADMISSION TO THE BAR

Rule 31.12 Admission of attorneys from other jurisdictions – requirements and fees

31.12(2) The applicant shall file the application with the National Conference of Bar Examiners through their online character and fitness application process at <http://www.ncbex.org/ea> unless an exception is granted by the Office of Professional Regulation. The applicant shall pay a nonrefundable fee of \$625 ~~\$575~~ to the Office of Professional Regulation at the time of filing the application. The character investigation services of the National Conference of Bar Examiners shall be procured in all cases where application for admission on motion is made.

CHAPTER 35

ATTORNEY DISCIPLINE, DISABILITY, AND REINSTATEMENT

Rule 35.1 Grievance Commission of the Supreme Court of Iowa.

35.1(1) There is hereby created the Grievance Commission of the Supreme Court of Iowa consisting of fifteen ~~ten~~ lawyers from judicial election district 5C, ten lawyers from judicial election district 5A, and five lawyers from each other judicial election district, to be appointed by the supreme court. The court shall designate one of them, annually, as chair of the commission. The supreme court shall accept nominations for appointment to the commission from any association of lawyers which maintains an office within the state of Iowa or any attorney licensed in Iowa. The grievance commission shall also consist of no fewer than five no more than 28 laypersons appointed by the court. Members shall serve no more than two three-year terms, and no member who has served two full terms shall be eligible for reappointment. A member serving as a primary or alternate member of a division of the commission at the time the member's regular term ends shall, nonetheless, continue to serve on that division until the division has concluded its duties with respect to the complaint for which the division was appointed.

CHAPTER 39

CLIENT SECURITY COMMISSION

Rule 39.14 Reinstatement from exemption or suspension

39.14(3) An attorney who has been granted a certificate of exemption under the provisions of rule 39.7 may be reinstated after filing the statement required by rule 39.8(1) and the questionnaire required by rule 39.11, and paying all late filing penalties due at the time the exemption was granted, and paying the current fee and assessment required by rules 39.5 and 39.6.

CHAPTER 42

REGULATIONS OF THE COMMISSION ON CONTINUING LEGAL EDUCATION

Rule 42.7 Reinstatement of inactive practitioners.

42.7(1) Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption shall, prior to engaging in the practice of law in the state of Iowa as defined in Iowa Ct. R. 39.7, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the commission upon forms prescribed by the commission together with a reinstatement fee of \$25 and all late filing penalties due at the time the exemption was granted.

CHAPTER 47

RULES ON THE QUALIFICATIONS, APPOINTMENT AND COMPENSATION OF COURT INTERPRETERS

47.3(3) *Class A Certified oral language interpreter.* A Class A certified oral language court interpreter is an interpreter who has done one of the following:

a. Satisfied all certification requirements for an oral language interpreter established by the Federal Court Interpreter Certification Program or the National Association of Judiciary Interpreters and Translators.

b. Taken court interpreter certification exams developed by the Consortium for Language Access in the Court ~~Consortium for State Court Interpreter Certification~~ and achieved scores that meet the requirements for certification established by the supreme court.

c. Taken court interpreter certification exams developed by another state or organization that the director of the office of professional regulation determines to be comparable to the consortium exams and achieved scores on the exam that meet the requirements for certification in Iowa.

. . . .

Rule 47.5 Statewide roster of court interpreters

47.5(2) *Ethics test requirement for all court interpreters.* To be included on the roster, an interpreter must receive a passing score on a written test on the Code of Professional Conduct for Judicial Branch Interpreters, unless the interpreter has taken the same or a similar test in a state that is a member of the Consortium for Language Access in the Court ~~National Consortium for State Court Interpreter Certification~~ and achieved a score that meets the standard for passing the test established by the supreme court.

. . . .

(new rule)

Rule 47.6 Fees.

47.6(1) The application fee to be an oral or sign language interpreter is \$25.00. The fee shall be paid to the office of professional regulation at the time the application is filed in that office.

47.6(2) The fee to register for the written examination is \$40.00, unless the applicant already has passed at least one of the three parts of the examination, in which case the registration fee is \$20.00.

47.6(3) The fee for residents to register for the oral examination is \$200 for the first time, and \$150.00 for subsequent attempts. The fee for nonresidents to register for the oral examination is \$400 regardless of the number of times taken.

...

(old rules 47.6 through 47.12 are renumbered)

Rule 47.76 Priorities in the appointment of a court interpreter.

47.76(1) Court interpreters shall be classified in the following order of preference:

- a. Class A certified.
- b. Class B noncertified.
- c. Class C noncertified.

47.76(2) Whenever a court requires an interpreter, the court shall appoint an interpreter with the highest classification among those who are reasonably available, giving preference within each classification to those who are on the statewide roster.

47.76(3) Upon the appointment of a court interpreter, the court shall include in the record the interpreter's classification and qualifications.

Rule 47.87 Disciplinary actions.

47.87(1) *Establishment of a disciplinary process for court interpreters.* The supreme court shall establish a disciplinary process that ensures due process for court interpreters formally accused of misconduct under rule 47.7(2).

47.87(2) *Grounds for discipline.* A court interpreter shall be subject to disciplinary action for any of the following reasons:

- a. Unprofessional or unethical conduct that violates the Code of Professional Conduct for Judicial Branch Interpreters.
- b. Conviction, in this state or any other jurisdiction, of a felony or conviction of a lesser crime that involves dishonesty or moral turpitude; a crime is a felony if it is so defined in the jurisdiction where the conviction was entered at the time of the conviction.
- c. Disciplinary action taken in conjunction with the interpreter's services in another jurisdiction.

d. Incompetence, which includes but is not limited to, repeated incomplete or inaccurate interpretation that significantly inhibits or distorts communications between a non-English-speaking person and the court or between a non-English-speaking person and that person's attorney.

e. Receipt of a certificate of noncompliance from the Child Support Recovery Unit, pursuant to the procedures set forth in Iowa Code chapter 252J.

f. Receipt of a certificate of noncompliance from the College Student Aid Commission, pursuant to the procedures set forth in Iowa Code chapter 261.

g. Receipt of a certificate of noncompliance from the Centralized Collection Unit of the Department of Revenue, pursuant to the procedures set forth in Iowa Code chapter 272D.

47.87(3) *Types of sanctions.* When there are grounds for sanctioning a court interpreter for misconduct, the sanctions may include, but are not limited to, one or more of the following:

a. A private or public reprimand;

b. Refunding fees to a client or government agency for court interpreter services;

c. Requiring that the court interpreter take specified education courses;

d. Requiring that the court interpreter's work be supervised for a period of time;

e. Permanent or temporary suspension of the court interpreter's certification or roster status; or

f. Permanent or temporary bar from being appointed as a court interpreter.

47.87(4) *Continuing duty to disclose.* A court interpreter has a continuing duty to disclose to the director of the office of professional regulation any criminal conviction or disciplinary action against the interpreter in another state or federal jurisdiction that could result in disciplinary action under this rule.

Rule 47.98 Recording of proceedings. A recording shall be made and maintained of those portions of court proceedings where an oral language court interpreter is used. The audio recording shall be maintained in the same manner as court reporters' notes.

Rule 47.109 Court interpreter compensation.

47.109(1) *Claims for compensation.* After the close of proceedings, the interpreter shall submit a claim for compensation to the court. Upon review and approval of the claim, the court shall enter an order setting the maximum amount of compensation that may be paid to the interpreter.

47.109(2) Fees for court interpreters. The state court administrator shall establish a standard statewide fee schedule for court interpreters.

Rule 47.1110 Application of rules to administrative agency proceedings.

To the extent an administrative agency is subject to these rules pursuant to Iowa Code section 622A.7 or section 622B.1(2), the agency is responsible for appointing interpreters to appear in agency proceedings and for approving their claims for compensation.

Rule 47.1211 Budget. The director of the office of professional regulation shall, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget, covering the operations provided for in this chapter for the upcoming fiscal year. Approval of the budget by the court shall authorize payment as provided in the budget. A separate bank account designated as the court interpreter operating account shall be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement shall be deposited in the court interpreter operating account for payment of the expenditures authorized by the approved budget.

Rule 47.1312 Applicability of Iowa Tort Claims Act. Claims against the director, assistant directors, and the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.